

OFFICIAL COPY

Fresno, California

January 13, 2004

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager  
Andy Souza, Assistant City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Reverend David Finster, First Congregational Church, gave the invocation, and Angel Arellano led the Pledge of Allegiance to the Flag.

**PROCLAMATION OF ANGEL ARELLANO DAY - COUNCILMEMBER STERLING**

The proclamation was read and presented, Council members commended Angel, and Councilmember Dages gave Angel a check for the zoo maintenance fund in the amount of \$1,000 from the Laborers International Union of North America.

**PRESENTATION TO NED DOFFONEY, EdD, FOR THE AFRICAN AMERICAN HISTORICAL AND CULTURAL MUSEUM IN HONOR OF MARTIN LUTHER KING, JR. DAY, OF A FAMED ORIGINAL NEW YORK TIMES NEWSPAPER ARTICLE DATED OCTOBER 23, 1862, ON PRESIDENT LINCOLN'S SIGNING OF THE EMANCIPATION PROCLAMATION- COUNCILMEMBER DUNCAN**

Presentation made.

- - - -

Assistant City Manager Souza advised on January 1<sup>st</sup> a transition took place at the Convention Center when SMG took over the operation of the facilities, commended and thanked Mike Sweeney for doing an outstanding job throughout the difficult times, and introduced Bill Overfell of SMG and spoke briefly to his experience. Mr. Overfell spoke to the transition and to the great staff and people he has met, stated he wanted to meet with each council member individually in the next 30 days to discuss the facilities and council's vision, and responded to questions of Councilmembers Calhoun and Boyajian relative to whether the Save Mart Center had their own general manager, if that manager and Mr. Overfell were in communication with each other, and if Mr. Overfell would have plans for the Selland Arena and the Convention Center facilities ready for discussion when he meets with council members. Council welcomed Mr. Overfell.

- - - -

**APPROVE MINUTES:**

On motion of Councilmember Dages, seconded by Councilmember Boyajian, duly carried, RESOLVED, the minutes of January 6, 2004, approved as submitted.

- - - -

**COUNCIL MEMBER REPORTS AND COMMENTS:**

COMMENDATION TO PUBLIC WORKS STAFF FOR THEIR CONTINUED WORK ON NEIGHBORHOOD PROJECTS DURING RECENT EXTREME WEATHER (RAIN) CONDITIONS - COUNCILMEMBER BOYAJIAN

Commendation made.

- - - -

**APPROVE AGENDA:**

Councilmember Sterling made a motion to remove Item 2:45 p.m. “B”, report from Rafiki Partners on the Chaffee Zoo, from the agenda, which motion was seconded by President Castillo. Brief discussion ensued on whether the intent was to table the issue or continue it, reason for wanting to remove the item, and taking action now or at the scheduled time, whereupon Councilmember Sterling stated she would address the matter at the scheduled time. Councilmember Calhoun spoke in opposition to tabling the matter stating the report was now out in the public, people now wanted to hear and discuss it, and stressed the Zoo Advisory Committee should have the proposal and all other information made available to them for review. Councilmember Duncan added he hoped Council would consider continuing the matter instead of tabling it.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
Noes : None  
Absent : None

- - - -

**ADOPT CONSENT CALENDAR:**

Barbara Hunt, 2475 S. Walnut, stated all consent calendar items should be discussed separately.

**(1-A) AWARD A CONTRACT TO SPINELLO COMPANIES OF FAIRFIELD, NEW JERSEY, IN THE AMOUNT OF \$226,340 FOR RECLAMATION PIPELINE REHABILITATION AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY**

**(1-B) APPROVE CONCESSION AGREEMENT WITH AIRPORT NETWORK SOLUTIONS (ANS) TO PROVIDE WIRELESS NETWORK SERVICES AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI), AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE SAME ON BEHALF OF THE CITY**

**(1-C) RESOLUTION NO. 2004-7 - INTENT TO ANNEX TRACT NO. 5098 AS ANNEXATION NO. 60 TO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, AND AUTHORIZE THE LEVY OF SPECIAL TAXES**

**(1-D) RESOLUTION NO. 2004-8 - INTENT TO ANNEX TRACT NO. 4598 AS ANNEXATION NO. 61 TO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, AND AUTHORIZE THE LEVY OF SPECIAL TAXES**

**(1-E) RESOLUTION NO. 2004-9 - INTENT TO ANNEX TRACT NO. 5189 AS ANNEXATION NO. 62 TO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, AND AUTHORIZE THE LEVY OF SPECIAL TAXES**

**(1-F) APPROVE THE TRANSFER OF FIVE (5) SURPLUS PARCELS NEAR W. FLORENCE AND S. DELNO AVENUES TO THE HOUSING ASSISTANCE CORPORATION, AND AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO EXECUTE THE QUITCLAIM DEED AND OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION**

**(1-H) APPROVE PROFESSIONAL SERVICES AGREEMENT WITH RRM DESIGN GROUP FOR DESIGN OF THE LEWIS S. EATON TRAIL ENHANCEMENTS PROJECT, FRIANT ROAD SEGMENT**

As a member of the San Joaquin Conservancy Board Councilmember Calhoun stated this was a great project, a big step forward, and it would improve the quality of life for the community and benefit Madera county as well, and commended staff and the Parkway Board and the State of California for their funding.

**(1-J) RESOLUTION NO. 2004-10 - APPROVE TRANSFER OF \$30,000 FOR THE DUTIES OF THE COUNCIL PRESIDENT AND EXECUTIVE ANALYST TO THE COUNCIL DISTRICT 4 BUDGET FROM THE COUNCIL SUPPORT BUDGET**

**1. RESOLUTION NO. 2004-11 - 3<sup>RD</sup> AMENDMENT TO PAR 2003-210 REALLOCATING THE EXECUTIVE ANALYST POSITION FROM THE COUNCIL DISTRICT 1 TO THE COUNCIL DISTRICT 4 OFFICE**

On motion of President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

- - - -

The City Council recessed at 8:59 a.m. and convened in joint closed session with the Redevelopment Agency.

**(8:45 A.M.) JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY:**

**(A) CONFERENCE WITH LEGAL COUNCIL - EXISTING LITIGATION - CASE NAME: REDEVELOPMENT AGENCY OF THE CITY OF FRESNO V. ROBERT L. EDWARD, SUPERIOR COURT CASE NO. 03CECG00433**

The joint bodies met in closed session in Room 2125 at the hour of 8:59 a.m. to consider the above issue and convened in regular open joint session at 9:07 a.m.

**(9:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY:**

APPROVE AGENCY MINUTES OF JANUARY 6, 2004

On motion of Councilmember Sterling, seconded by President Castillo, duly carried, RESOLVED, the Agency minutes of January 6, 2004, approved as submitted.

**AGENCY CONSENT CALENDAR:**

**(“A-1”) AWARD A CONTACT TO EMMETT’S EXCAVATION, INC., OF CLOVIS FOR THE RECONSTRUCTION OF WALNUT AVENUE BETWEEN CALIFORNIA AND FLORENCE AVENUES (AGENCY ACTION)**

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, expressed concern with red tag items and spoke to contamination and other issues relative to the subject property. President Castillo briefly left the meeting at 9:11 a.m.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, a contact hereby awarded to Emmett’s Excavation, Inc., of Clovis in the amount of \$482,830 for the reconstruction of Walnut Avenue between California and Florence Avenues, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling
Noes	:	None
Absent	:	Castillo

**(“A-2”) AWARD A CONTRACT TO LEE CRIPPEN EXCAVATION OF FRESNO FOR THE DEMOLITION OF BUILDINGS ON E. MCKENZIE, N. VALERIA, AND N. THESTA STREETS (AGENCY ACTION)**

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in opposition. President Castillo returned at 9:14 a.m.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, a contract hereby awarded to Lee Crippen Excavation of Fresno in the amount of \$90,624 for the demolition of buildings on E. McKenzie, N. Valeria and N. Thesta Streets, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
 Noes : None  
 Absent : None

**(“B”)** HEARING TO CONSIDER ACTIONS RELATING TO THE PROPOSED AGREEMENT AND ESCROW INSTRUCTIONS TO TRANSFER REAL PROPERTY TO THE STATE OF CALIFORNIA, LOCATED AT THE SOUTHWEST CORNER OF VENTURA AND “O” STREETS AND SANTA CLARA AND “O” STREETS, FOR DEVELOPMENT OF A THREE-STORY 60,000 SQUARE FOOT COURTHOUSE AND PARKING LOT FOR THE 5<sup>TH</sup> DISTRICT COURT OF APPEAL, PHASE I OF THE PROPOSED OLD ARMENIAN TOWN DEVELOPMENT WITHIN THE CONVENTION CENTER REDEVELOPMENT PROJECT AREA (*JOINT ACTION*)

**1. JOINT RESOLUTION NO. 2004-12/1644** - APPROVING AN AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND THE STATE OF CALIFORNIA FOR THE TRANSFER OF REAL PROPERTY TO THE STATE FOR DEVELOPMENT OF THE COURTHOUSE ON THE SOUTHWEST CORNER OF VENTURA AND “O” STREET AND A PARKING LOT ON THE SOUTHWEST CORNER OF SANTA CLARA AND “O” STREETS

**2.** AUTHORIZE THE EXECUTIVE DIRECTOR OR REDEVELOPMENT ADMINISTRATOR, ON APPROVAL OF THE CITY ATTORNEY’S OFFICE, TO EXECUTE THE AGREEMENT AND ALL OTHER NECESSARY DOCUMENTS AND TAKE OTHER ACTIONS NECESSARY TO CONVEY THE REAL PROPERTY TO THE STATE, SUBJECT TO THE PURCHASE PRICE, DEED RESTRICTIONS, AND OTHER TERMS CONTAINED IN THE AGREEMENT, AND TO OTHERWISE FINALIZE OR CARRY OUT THE PROVISIONS OF THE AGREEMENT (*JOINT ACTION*)

Chair Boyajian announced the time had arrived to consider the issue and opened the hearing.

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking further to the project and/or in support of the issue were: Mark Coyne, Project Director, State of California General Services Department; Dennis Frye, Gunner-Andros; and Barbara Hunt, 2475 S. Walnut.

Upon call, no one else wished to be heard and Chair Boyajian closed the hearing.

A motion and second was made to approve staff’s recommendation. Councilmember Sterling commended the Agency, the City and the State of California and stated it was time to move forward with the project. Mr. Coyne, Mr. Fitzpatrick, Mr. Frye, Chief Assistant City Attorney Sanchez, and outside counsel Don Neufeld responded to questions of Chair Boyajian relative to when courthouse construction would begin, reason for the delay in the start date, if funds had already been allocated (**2 - 0**), if the State was in communication with the developer (Gunner-Andros), if parking lots would start the project, if the developer could develop other structures in the area, if the developer will be communicating with the State on developing or build structures on their own, if the developer could construct structures prior to the courthouse construction, if the State and developer were coordinating plans, if tenants were being pursued, and various issues/specifics/requirements of legal agreements. Chair Boyajian thanked the developer and the State for their commitment to downtown.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Joint Resolution No. 2004-12/1644 hereby adopted, and staff authorized to execute the proposed Agreement and Escrow Instructions for the Transfer and Development of Real Property and related documents for the conveyance of property to the State of California, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
 Noes : None  
 Absent : None

- - - -

The joint bodies adjourned their meeting at 9:37 a.m. and the City Council reconvened in regular session.

**(3-A) DIRECT STAFF TO DEVELOP AND PRESENT TO COUNCIL WITHIN 120 DAYS AN INFRASTRUCTURE NEEDS ASSESSMENT OBJECTIVELY IDENTIFYING IN DETAIL WHAT THE INFRASTRUCTURE MAINTENANCE NEEDS WILL BE FOR THE CITY OF FRESNO UNTIL THE YEAR 2025 - COUNCILMEMBER DUNCAN**

Councilmember Duncan stated this was information that was desperately needed in order to maintain quality neighborhoods; spoke to the need for the public to be informed of the scope of the problem; advised he was informed by staff that a lot of work had already been done but he wanted staff to look at as much detail as possible; and stated he hoped to get a clear picture of the city's problem including recommendations on addressing the problem and funding options, and made a motion to direct staff as outlined.

Councilmember Calhoun stated before tasking staff he wanted to see what information they already had; stated he was concerned and did not want this to turn out to be a wish list, he wanted to see something reasonable developed, and noted whatever comes back it would not satisfy all seven council members; and questioned what staff's understanding was of this request, what they would be coming back with, if this was a reasonable request, what criteria staff would use, and if the report could be discussed in a workshop setting when it comes back, with Assistant Public Works Director Elam responding. Councilmember Calhoun stated this appeared to be a reasonable request based on what he heard and seconded Councilmember Duncan's motion.

Discussion ensued with Mr. Elam and Councilmember Duncan responding to questions/comments of Councilmembers Perea, Boyajian and President Castillo relative to what the difference was with this request and what staff was already doing, if the study currently being conducted would show what needs to be fixed, when funding recommendations would come forth, need to include the Fresno Unified School District, PG&E and Pac Bell so resources are not wasted, need to know beforehand where development is being planned, need to differentiate major street infrastructure and inner-neighborhood infrastructure when considering funding, and the community being receptive to a new Measure "C" if they see a direct benefit to them. Councilmember Duncan was commended for bringing this issue forward.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, staff directed to develop and present to Council within 120 days an infrastructure needs assessment objectively identifying in detail what the infrastructure maintenance needs will be for the city of Fresno until the year 2025, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

- - - -

**(10:00 A.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-03-21 AND ENVIRONMENTAL FINDINGS, FILED BY LATCO ENTERPRISES, PROPERTY LOCATED ON THE NORTHWESTERLY SIDE OF N. FIGARDEN DRIVE BETWEEN N. SANTA FE AND W. SIERRA AVENUES (CONTINUE TO JANUARY 27, 2004, AT 10:15 A.M.)**

Continued as noted.

- - - -

**UNSCHEDULED ORAL COMMUNICATIONS:**

APPEARANCE BY BARBARA HUNT, 2475 S. WALNUT, REGARDING BOUNDARY ISSUES AND CONCERNS

Appearance made; no action taken.

**COUNCIL REMOVAL OF ITEMS FROM THE AGENDA THAT ARE SCHEDULED BY ANOTHER COUNCIL MEMBER - COUNCILMEMBER DAGES**

Councilmember Dages expressed concern with Council removing items from the agenda that another council member has put on stating it was inappropriate and each council member had a right to present an item and be heard whether Council acts on it or not, and encouraged Council to not do that to one another. Upon question of Councilmember Perea, City Attorney Montoy stated council members

could talk with each other but it was not appropriate to develop a consensus before an item comes forth or for one member to go to each member individually and line up votes.

- - - -

**143-15**

**1/13/04**

**(4-A) SCHEDULED PUBLIC COMMENT - APPEARANCE BY TOMAS CASAS ACOSTA, SR., TO DISCUSS AND REQUEST APPROVAL FOR CITY RESTAURANTS AND OTHER BUSINESSES TO ACCEPT BUS RIDERS REIMBURSEMENT OF \$1.00 ON THEIR BILL**

Mr. Acosta requested the City thank the businesses who are participating and Assistant City Manager Souza stated staff would work on the issue and report back with options to thank businesses **(3 - 0)**. There was no further discussion.

- - - -

**(10:15 A.M.) CONTINUED HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 59, FINAL TRACT MAP NO. 5135**

1. RESOLUTION - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX
2. RESOLUTION - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. RESOLUTION - DECLARING ELECTION RESULTS
4. BILL - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Castillo announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn reviewed the issue, stated staff had been working diligently with the developer to try to resolve outstanding issues on the 5% open space requirement and maintenance of that open space, advised staff's concern was who would ultimately maintain the required open space, and stated the developer would be asking Council to reconsider the \$244 maximum tax as they felt it was too high and explained.

Speaking to the issue were: Jeff Roberts, Granville Homes, 1396 W. Herndon #101, who stated timing was an issue and they were anxious for Council to take action, advised they had a concern with the obligation that would be placed on the property owners to maintain land that was not part of the tract, and requested Council lower the tax amount to \$170.00 and explained; and Barbara Hunt, 2475 S. Walnut, who spoke in opposition.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

City Attorney Montoy stated in looking at the staff report and hearing testimony this was more than the normal CFD matter and requested the hearing be continued to later in the meeting so staff and the developer could try to resolve the outstanding issues. Councilmember Calhoun spoke in support of the city attorney's recommendation and made a motion to continue the hearing to the afternoon session. Councilmember Dages stated he felt \$244 was excessive and he supported the developer's request for \$170 and explained. Upon question of President Castillo, Mr. Kirn stated 189 lots would be assessed whatever amount Council sets.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the hearing on CFD No. 2, Annexation No. 59, Tract Map No. 5135 continued to 2:00 p.m. #2, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

- - - -

**(10:20 A.M.) RESOLUTION NO. 2004-13 - SUPPORTING OPERATION BROTHERHOOD OF THE BADGE AND AUTHORIZING THE CITY MANAGER TO TRANSFER CERTAIN POLICE DEPARTMENT PERSONAL PROPERTY DEEMED NON-SERVICEABLE TO AID THE MISSION OF THE OPERATION - COUNCILMEMBER DAGES**

Councilmember Dages stated this was an important issue to him and he was proud to present it, and along with Detective Harris, Police Officer/Army Reserve Sgt. Brian Brigg and Chief Dyer spoke to the background of the issue and the proposal to send outdated bullet proof vests and other property to the Iraqi police, referencing the photos contained in Councilmember Dages' report to Council and an expired bullet-proof vest to illustrate, and requested Council's support. Det. Harris clarified the vests did have life in them after the

expiration date and explained.

Speaking in support of the issue were: Barbara Hunt, 2475 S. Walnut; and Michael Carbasi, 2789 W. Decateur.

**143-16**

**1/13/04**

Councilmember Dages thanked City Attorney Montoy for preparing the resolution in such a short time, recognized his staff assistant John Wilson and John's son Jason (who has been to Iraq 12 times), for their assistance in shipping the property to Iraq for free, and made a motion to adopt the resolution. Councilmember Duncan seconded the motion and presented questions relative to the other types of items that would be shipped, if there were any limitations on the type of surplus material that could be provided, if there was a way to redirect some property to Iraq that by law must be sold, other surplus property not police-related that could be sent over, and if there was any other organization or government entity that might be able to donate property or if it was best to ship only limited, high value property, with Chief Dyer and Det. Harris responding.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2004-13 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
Noes : None  
Absent : None

- - - -

**RECESS - 10:56 A.M. - 11:15 A.M.**

**CLOSED SESSION:**

**(A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY ATTORNEY**

**(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAME: OLGA SALAZAR V. CITY OF FRESNO**

**©) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAMES:**

1. CITY OF FRESNO V. ARCHIE CRIPPEN, ET AL.
2. CITY OF FRESNO V. MAULDIN-DORFMEIER CONSTRUCTION, INC.

The City Council met in closed session in Room 2125 at the hour of 11:15 a.m., began considering the above issues, and recessed for lunch thereafter.

- - - -

**LUNCH RECESS - 12:00 P.M. - 2:02 P.M.** Councilmember Perea arrived later.

**(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:**

**(1-G) RESOLUTION NO. 2004-14 - APPROVING OPTICOM-3M AS THE SPECIFIC BRAND FOR EMERGENCY VEHICLE TRAFFIC SIGNAL PREEMPTION SYSTEM EQUIPMENT**

Assistant Public Works Director Kirn and Assistant Design Services Manager Mozier responded to questions of President Castillo relative to whether the warranty was needed, number of intersections where this equipment will be implemented, and when the systems would be operational. Councilmember Duncan briefly left the meeting at 2:04 p.m.

On motion of President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2004-14 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Castillo  
Noes : None  
Absent : Duncan, Perea

**(1-I) RESOLUTION NO. 2004-15 - APPROVING THE FINAL REVISED HOUSING ELEMENT OF THE 2025 FRESNO GENERAL PLAN INCORPORATING REVISIONS AS RECOMMENDED BY THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**143-17**

**1/13/04**

Upon question of Councilmember Calhoun, Planning and Development Director Yovino stated this would not change the city's current policy on group homes **(4 - 0)** and advised these were clarification changes only and explained. Councilmembers Duncan and Perea returned/arrived at 2:07 p.m. and 2:09 p.m. Councilmember Boyajian noted he brought up the group home ordinance over four years ago and from what he could see the city would not be able to do much with the ordinance as most everything had been preempted by the State and the Federal governments, and stated the city was going to have an ordinance with no teeth and he did not know why it was needed anymore. Councilmember

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2004-15 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
Noes : None  
Absent : None

----

**(10:15 A.M.) CONTINUED HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 59, FINAL TRACT MAP NO. 5135 (CONTINUED FROM EARLIER)**

**1. RESOLUTION NO. 2004-16 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX, AS AMENDED, MODIFYING THE TAX AMOUNT TO \$170.00**

**2. RESOLUTION NO. 2004-17 - CALLING A SPECIAL MAILED-BALLOT ELECTION**

**3. RESOLUTION NO. 2004-18 - DECLARING ELECTION RESULTS**

**4. BILL NO. B-4 - ORDINANCE NO. 2004-5 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS**

Assistant Public Works Director Kirn advised staff met with Granville and the City Attorney and came to a resolution, and recommended the resolution be modified to \$170 per lot, subject to conditions, and read them into the record.

Jeff Roberts, Granville Homes, stated he concurred with the revised recommendation and thanked staff.

Upon question of Councilmember Dages, Mr. Kirn clarified "open space" requirement could take many forms and it did not necessarily mean a park.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2004-16 hereby adopted, as amended, setting the maximum special tax at \$170 per lot and subject to the following conditions: **(1)** Granville will enter into a covenant with the City offering 2.36 acres of open space within one-quarter mile of existing Tract 5135 together with a \$25,00 improvement security (letter of credit) acceptable to all parties; **(2)** Granville agrees to improve the 2.36 acres within one year of entering into the covenant or agrees to provide alternative open space of not less than the same amount in an alternate location acceptable to the City; **(3)** In the event Granville does not improve that open space, the City has the right to go after the letter of credit and make the open space improvements; **(4)** Granville agrees to maintain the 2.36 acres in perpetuity or until such time as an alternate mechanism is established to maintain the open space; and **(4)** Any modification to the covenant must be brought back to Council for amendment; the above entitled Resolution Nos. 2004-17 and 2004-18 hereby adopted; and the above entitled Bill No. B-4 adopted as Ordinance No. 2004-5, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
Noes : None  
Absent : None



- - - -

**CLOSED SESSION:**

(A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY ATTORNEY

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAME: OLGA SALAZAR V. CITY OF FRESNO

**143-18**

**1/13/04**

©) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAMES:

1. CITY OF FRESNO V. ARCHIE CRIPPEN, ET AL.
2. CITY OF FRESNO V. MAULDIN-DORFMEIER CONSTRUCTION, INC.

The City Council met again in closed session in Room 2125 at the hour of 2:17 p.m. to continue and conclude their consideration of the above issues and reconvened in regular open session at 3:48 p.m.

- - - -

**(2:45 P.M.) WORKSHOP ON THE CHAFFEE ZOO STRATEGIC PLANNING STUDY AND REPORT**

1. RECEIVE AND DISCUSS THE CHAFFEE ZOO STRATEGIC PLANNING STUDY PREPARED BY SCHULTZ AND WILLIAMS, INC.
2. RECEIVE AND DISCUSS REPORT FROM RAFIKI PARTNERS ON A PROPOSAL TO FORM A PUBLIC-PRIVATE PARTNERSHIP FOR THE DEVELOPMENT AND OPERATION OF THE CHAFFEE ZOO, INCLUDING GIVING DIRECTION TO STAFF ON ENTERING INTO A PROFESSIONAL SERVICES CONTRACT WITH RAFIKI PARTNERS TO CONDUCT AN OPERATIONAL AUDIT AND MASTER PLAN, INCLUDING RECOMMENDED CAPITAL AND OPERATIONAL PROGRAM FOR THE CHAFFEE ZOO AND ROEDING PARK
3. DISCUSS ALTERNATIVES FOR EMERGENCY FUNDING TO MAINTAIN THE CHAFFEE ZOO'S ACCREDITATION TO INCLUDE UTILIZING A PORTION OF THE EXCESS SALES TAX BEING GENERATED IN THIS YEAR'S BUDGET WHICH IS CURRENTLY OVER AND ABOVE THE CITY BUDGET'S PROJECTED GROWTH RATE - COUNCILMEMBER CALHOUN
4. DIRECT THE CHAFFEE ZOO ADVISORY COMMITTEE TO CONVENE AND RETURN TO COUNCIL IN 90 DAYS WITH A STATUS REPORT - CITY MANAGER'S OFFICE

Councilmember Duncan advised #2, the Rafiki proposal, would not be discussed this date but would be postponed two weeks to give the Zoo Committee and Council to get a more in-depth presentation.

Parks, Recreation & Community Services Director Smejkal recognized the consultant, Schultz and Williams, staff members, members of the Zoological Society, and members of the Zoo Advisory Committee in the audience, and spoke to the background and gave a brief overview of the issue.

Richard Bittle, Schultz and Williams, gave a Power Point presentation at length summarizing their study and report which included: the company's experience, planning approach and goals, privatization overview, financial profile, situation analysis, strategic business issues, accreditation issues, community input, management alternatives, the three strategic choices (reduce, maintain or grow the current zoo), funding/available options, recommendations (**5 - 0**), interim funding model, building a regional zoo, and transition plan, all as contained in the staff report as submitted.

Speaking in support of the zoo, to the zoo's needs and funding options, in support of the consultant report, findings and recommendations, and offering the assistance of the Zoological Society were: Cheryl Assemi, 2118 E. Alluvial, Zoological Society Board of Directors and Member of the Zoo Advisory Committee, (who submitted photo copies of zoo conditions, on file in the office of the city clerk), and Bill Stewart, 869 E. Portland, President of the Zoological Society. City Clerk Klisch advised Professor Bob Hill, Craig School of Business, had to leave but left a letter outlining his position, which was provided to Council and entered into the public record.

Proceedings were briefly interrupted to attend to the following time-scheduled item.

- - - -

**(4:30 P.M.) INTRODUCTION OF NEWLY SELECTED AMERICORPS VOLUNTEERS - FRESNO CITIZEN CORPS**

Mayor Autry, Citizen Corps Chairman Pete Webber, Police Chief Dyer and Paul McClain spoke to and gave an overview of the Fresno Citizen Corps and AmeriCorps programs, and Mr. McClain introduced the 21 volunteers, who were then commended by Mayor Autry and the City Council for their caring and commitment to the community.

- - - -

**143-19**

**1/13/04**

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Montoy announced in the matter of Redevelopment Agency v. Robert L. Edwards, the City Council approved a final settlement of the Edwards parcel in the amount of \$640,000 plus court costs and interest consistent with the Agency's updated appraisal; and in the matter of City of Fresno vs. Crippen, the Council on a 7 to 0 vote took action to file a petition for writ of administrative mandamus to appeal the hearing officer's decision concerning the cost recovery of the fire and authorized the City Attorney to file litigation.

- - - -

Proceedings continued on the Zoo Workshop.

Councilmember Dages advised his appointee, Larry Raven, had surgery and was in the hospital, and City Clerk Klisch administered the Oath of Office to the Zoo Advisory Committee members.

Councilmember Sterling commended the Zoo Committee, the Zoological Society, the city of Fresno, and the consultant firm Schultz & Williams; stated the workshop provided Council with many options to consider; spoke to the history of the issue and to the many reports that had been compiled over the years; and noted the Macias report recommended a public-private partnership and made a motion to (1) direct the Zoo Committee to review all necessary materials, information and options, including the Rafiki Partners' and Councilmember Calhoun's proposals, necessary to implement the public-private partnership outlined in the report by Schultz & Williams and return in 90 days with an action plan that details the transition the City will need to make, and review and recommend possible funding mechanisms, both short-term and long-term, for the Zoo, and (2) that the City provide all the staff assistance the Zoo Committee needs in order to accomplish this task, and (3) assign a staff person under the direction of the Parks & Recreation Director, possibly current Zoo employee Shelly Morrison, to stand as Interim Zoo Director during this entire process. President Castillo questioned if there were any legal ramifications with the interim Zoo director portion and City Attorney Montoy recommended the city manager be directed to work with the Zoo Committee and pursue all options and report back clarifying to get into specific names and details was beyond Council's authority, which modification was accepted. City Manager Hobbs stated Ms. Smejkal would be providing the bulk of staff assistance, the Zoo Committee would have the full cooperation of city staff, and added it was clear the city needed to change the way business has been conducted at the Zoo if it is to survive and he looked forward to working with those who would be coming up with the answers to the Zoo's problems.

Councilmember Duncan seconded the motion and clarified the report could come back sooner than 90 days, and spoke to the issue and presented questions relative to whether substantial organizational/structural changes were needed in addition to a dedicated funding source, maintaining the accreditation and what sustainable funding sources were, if the public tends to be more receptive to getting involved and contribute when a separate organization is involved versus city government, attendance figures, current fees charged, if a lot of people get into the Zoo for free, paid attendance figure, free entrances coming at the expense of gate revenues and need for the Zoo Committee to look at that issue, safety of Roeding Park and possibility of looking at a police substation in the park, and need to solve the Zoo's problems now and do away with the band-aid approach, with Mr. Stewart, Ms. Smejkal and Ms. Morrison responding throughout.

Lengthy discussion continued. Councilmember Dages spoke to his support for and memories of the Zoo, to how public support has swelled, stated he would do all he could and he wished there were more options than reduce, maintain or grow, and to the Committee requested they have a sign stating "Failure is not an option". Councilmember Calhoun stated his concern was the accreditation issue that was coming up very quickly and he saw nothing wrong with quick-fixes and the band-aid approach to at least get to first base and let the American Zoos (AZ) Association team know something was being done; spoke to his proposal outlined above to look at taking some of the additional sales tax revenues and apply them to short-term fixes; and presented questions/comments relative to whether the City had funds available to use on a *one-time basis* to meet the accreditation standards, with Mr. Hobbs stating he saw no surplus of dollars this year and

explained, and continued responding throughout to the following questions/comments: if the additional tax revenues were needed to keep the city in the black or if staff was acting on the assumption the city will lose \$6 million to the State, need to act immediately as a bond issue or referendum would be months away, and if the Zoo was solely the city's problem and if people outside the city would pay a tax for the Zoo. Councilmember Calhoun encouraged the commission to ask the hard questions about finances and the AZ accreditation and reiterated he had no problem with a band-aid approach. Councilmember Boyajian spoke to the issue; stated the Zoological Society was the expert and they needed to be involved in the process; stated he agreed with Councilmember Calhoun on the need to address the accreditation issue now but he did not support taking money from the general fund; stated the last bond issue for the Zoo failed because of timing and because people really did not know or understand the depth of the Zoo's problems and needs; stressed money was needed, he felt a bond should be looked at, and stated the Roeding Park Master Plan also needed to be looked at; stated if Angel has done anything she has shown that people really do care; and requested the motion be modified to include the Zoological Society in the process and for the committee to recommend an interim way to get the accreditation.

143-20

1/13/04

Councilmember Sterling clarified she had been working with the Zoological Society as well as city staff and they were all a part of the process, relative to the accreditation issue advised a director needed to be in place and a one year extension could be given to meet all the criteria for accreditation, and clarified her modified motion. Upon questions of Councilmembers Duncan and Boyajian, Councilmember Sterling stated the Zoo Advisory Committee was the key group in this process and the committee would be looking at financial options also. President Castillo stated good people were on board and they would come up with a good plan, and noted there were difficult choices to be made, the Zoo belonged to the entire region, and the bond measure failed because people did not realize the seriousness of the Zoo's conditions.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, (1) the Zoo Advisory Committee, the Zoological Society, city staff and all interested parties directed to review all necessary materials, information and options (including the Rafiki Partners' and Councilmember Calhoun's proposals) necessary to implement the public-private partnership outlined in the report by Schultz & Williams, return in 90 days or sooner with an action plan that details the transition the City will need to make, and review and recommend possible funding mechanisms, both short-term and long-term, for the Zoo, and (2) the city manager requested to assist the Zoo team so they can accomplish their task, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
Noes : None  
Absent : None

----

## ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:52 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

**APPROVED** on the \_\_\_\_27th\_\_\_\_ day of \_\_\_\_January\_\_\_\_, 2004.

\_\_\_\_\_/s/\_\_\_\_\_  
Brad Castillo, Council President

\_\_\_\_\_/s/\_\_\_\_\_  
ATTEST: Yolanda Salazar, Assistant City Clerk

**143-21**

**1/13/04**